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CENTRAL FAX CENTER**LAW OFFICE OF
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		Date: January 31, 2007
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Re:	Serial No: 09/770,890	Pages: Cover + 4

JAN 31 2007

Henry Brendzel

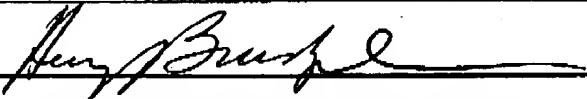
TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>		Complete if Known	
		Application Number	09/770,890
		Filing Date	1/26/2001
		First Named Inventor	Diakoumis Parissis
		Examiner Name	Steven Nguyen
		Group/Art Unit	2616
Total number of pages in this Submission: this page, plus	3	Attorney Docket ID	Gerakoulis 113351

If Fee Form is not included, but a fee is due, the Commissioner is Authorized to charge Deposit Account of Henry T. Brendzel No 500732 of, and consider that appropriate requests that give rise to the fees (such as for an extension of time) have been made.

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Form (<input type="checkbox"/> Check included)	<input type="checkbox"/> Declaration (no Missing Parts Notice)	<input type="checkbox"/> Postcard(s)
<input checked="" type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> Small Entity Statement
<input type="checkbox"/> Affidavit(s)/Declaration(s)	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Request for a Refund
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> After Allowance Communication to group
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Certified Copy of Priority document(s)	<input type="checkbox"/> To Convert a Provisional Application	<input type="checkbox"/> Appeal Communications to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.2 or 1.53	<input type="checkbox"/> Power of Attorney, Revocation or Change of Correspondence Address	<input type="checkbox"/> Proprietary Information
	<input type="checkbox"/> Express Abandonment	<input type="checkbox"/> Status Letter
	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Other
	<input type="checkbox"/> To Convert to Statutory Invention Registration	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	Henry T. Brendzel	
Signature		Date 1/31/07

CERTIFICATE OF MAILING/FACSIMILE TRANSMISSION

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Fax: I hereby certify that this correspondence is being electronically transmitted by facsimile to the United States Patent Office on the date shown herein.

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Gerakoulis 113351

RECEIVED
CENTRAL FAX CENTERIN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

JAN 31 2007

Patent Application

Inventor(s)	Diakoumis Parassis Gerakoulis	Serial No.	09/770,890
		Filing Date	1/26/2001
		Examiner	Steven Nguyen
Case Name	Gerakoulis 113351	Art Unit	2616
Title	Method for Packet Switching Interface for Code Division Switching in a Terrestrial Wireless System		

COMMISSIONER FOR PATENTS

P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

AMENDMENT REMARKS

The Examiner asserts that the reply filed on November 1, 2006 is not fully responsive because, according to the Examiner, applicant presented claims to a different invention, which is "similar" to the invention that was not elected in response to a restriction requirement dated 12/28, 2004.

Applicant respectfully traverses.

37 CFR 1.145 specifies that

If, after an office action on an application, the applicant presents claims directed to an invention distinct from and independent of the invention previously claimed, the applicant will be required to restrict the claims to the invention previously claimed if the amendment is entered, subject to reconsideration and review as provided in §§ 1.143 and 1.144.

First, the focus of 37 CFR 1.145 is clearly on the "invention previously claimed" compared to the amended claims. It has nothing to do with any previous restriction requirements. Second "the invention claimed" to which the applicant may restricted cannot possibly mean that the claims may not be amended, so it must mean that the claims may not be amended so as to define an invention that is distinct from and independent of the unamended claim.